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## Brown Act cure and correct demand

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**Claudia Quintana** <Claudia.Quintana@cityofvallejo.net>

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To: Open Vallejo Editors <editor@openvallejo.org>, Mayor Bob Sampayan <Bob.Sampayan@cityofvallejo.net>, Pippin Dew <Pippin.Dew@cityofvallejo.net>, Hakeem Brown <Hakeem.Brown@cityofvallejo.net>, "Robert H. McConnell" <Robert.McConnell@cityofvallejo.net>, Katy Miessner <Katy.Miessner@cityofvallejo.net>, Hermie Sunga <Hermie.Sunga@cityofvallejo.net>, Rozzana Verder-Aliga <Rozzana.Verder-Aliga@cityofvallejo.net>  
Cc: Greg Nyhoff <Greg.Nyhoff@cityofvallejo.net>, Dawn Abrahamson <Dawn.Abrahamson@cityofvallejo.net>

Dear Anonymous persons; Staff:

(Council Bccd)

With regard to your demand to cure a meeting that was interrupted by various members of the public, which necessitated a clearing of the room, it may be helpful to you to read the following analysis prepared in response to previous correspondence:

"The City of Vallejo Municipal Code addresses this situation as follows:

"...In the event that any council meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the presiding officer or council may order the meeting room cleared and continue in session pursuant to the Brown Act, Section 54957.9." (VMC 2.02.220 D)

Additionally, the Brown Act provides:

"§ 54957.9. Authorization to clear room where meeting willfully interrupted; Readmission

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting." (Cal Gov. Code § 54957.9)

Lastly, the legislative comments on this section Stats. 1970, ch 1610 state:

"SEC. 3. The Legislature finds that it is in the public interest to allow duly accredited representatives of the press or other news media to attend sessions from which members of the general public have been excluded by reason of a willful disturbance. "

The above authority, including the Brown Act, leads me to conclude that, while not desirable, it is legally permissible for members of the public to be excluded after a disturbance that results in the room being cleared, and for the Council to continue to attend to its regularly scheduled items of business.

Clearly, clearing the room is not an ideal situation, but such a situation does seem to have been envisioned and authorized pursuant to Cal Gov. Code § 54957.9. Thus, I have concluded that the Council's actions were proper, and neither a 'cure and correct' nor your other suggested actions are legally required.

Thank you for your correspondence

**Claudia Quintana**

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